

ORDINANCE NO 94

MUNICIPAL COURT ORDINANCE

AN ORDINANCE AMENDING AND REPLACING ORDINANCE NO. 23, ESTABLISHING A MUNICIPAL COURT FOR THE CITY OF PATTISON; PROVIDING FOR THE OFFICES OF MUNICIPAL JUDGE, ALTERNATE JUDGE AND CLERK OF THE COURT; PROVIDING FOR THE HOLDING OF SESSIONS OF THE COURT AND THE COLLECTION OF FINES, FEES, AND COSTS; PROVIDING FOR ESTABLISHMENT OF A TECHNOLOGY FUND AND A BUILDING SECURITY FUND; PROVIDING FOR AN EFFECTIVE DATE; REPEALER; SEVERABILITY; AND PROPER NOTICE AND MEETING.

WHEREAS, by Ordinance No. 23, passed and approved on December 12, 1989, the City Council of the City of Pattison created and established within the City the office of Judge of the Municipal Court; and

WHEREAS, the City Council is of the opinion that such ordinance should be amended to provide for the establishment of a municipal court;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PATTISON, TEXAS THAT:

1. FINDINGS OF FACT

All of the above premises are hereby found to be true and correct legislative and factual findings of the City Council, and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

2. ESTABLISHMENT OF MUNICIPAL COURT

Ordinance No. 23 is hereby amended and replaced by this Ordinance. A municipal court for the City of Pattison is established and shall be maintained for the trial of misdemeanor offenses. The municipal court shall have all of the powers and duties of municipal courts prescribed by Chapter 29, Texas Government Code and other applicable state law.

3. MUNICIPAL JUDGE

(a) The City Council shall appoint a municipal judge, who may but need not be an attorney licensed to practice law in the state, and may fix compensation for that office. Such municipal judge may also be a Justice of the Peace serving in or near the City, as allowed by law, provided that such Justice of the Peace shall be formally appointed as municipal judge hereunder and shall have authority to enforce and rule upon ordinances

of the City of Pattison. The municipal judge shall serve at the will of the city council for a two-year term that runs concurrently with that of the mayor unless he or she is removed by vote of the council prior to completion of a term in the manner provided by state law for removal of municipal officers. The municipal judge shall be the presiding magistrate of the municipal court, and shall have all of the powers and authority conferred upon him by the laws of the state.

(b) The city council may appoint an alternate municipal judge, who shall have the same qualifications and be appointed in the same manner as the municipal judge. An alternate municipal judge shall perform the same duties prescribed for the municipal judge and shall also serve at the will of the City Council.

(c) Compensation for the municipal judge or alternate municipal judge, if any, shall be set by the city council.

4. COURT CLERK

The office of clerk of the municipal court is hereby established, which office may be filled by the City Secretary of the City or by the clerk of a Justice of the Peace Court in the event the municipal judge is also a Justice of the Peace. If the City Secretary serves as Court Clerk, he or she shall have the authority to appoint a deputy clerk with the approval of City Council. The compensation of the Court Clerk and deputy clerk, if any, shall be set by the City Council.

5. SESSIONS OF COURT

The proceedings of the municipal court shall be conducted at city hall or at such place within the City of Pattison designated by the City Council, at such times as may be deemed appropriate by the municipal judge. Regular sessions of the municipal court shall be held for the hearing and determination of all cases coming before the court.

6. FINES, FEES, COSTS AND SPECIAL EXPENSES

5.1 Fines, Fees, and Costs.

The municipal court shall be authorized to impose and collect such fines, fees, and costs as are allowed or required by state law and ordinances of the City, including such fees due the State of Texas. Such fines and costs not due the State of Texas shall be deposited into the account of the court and which shall be used in the manners allowed by law.

5.2 Technology fund

(a) There is hereby created and established a municipal court technology fund, herein known as the "fund," pursuant to article 102.0172 of the Code of Criminal Procedure.

- (b) The fund may be maintained in an interest-bearing account and may be maintained in the general revenue account.
- (c) The fee shall be in the amount of \$4.00.
- (d) The fee shall be assessed and collected from the defendant upon conviction for a misdemeanor offense in the municipal court as a cost of court. A defendant is considered convicted if:
 - (1) A sentence is imposed on the person;
 - (2) The person is placed on community supervision, including deferred adjudication community supervision; or
 - (3) The court defers final disposition of the person's case.
- (e) The fee shall be collected on conviction for an offense committed after the effective date of this Ordinance.
- (f) The clerk of the court shall collect the fee and pay the fee to the municipal treasurer or other official who discharges or performs the duties of the treasurer of the city, who shall deposit the fee into the municipal court technology fund.
- (g) The fund shall be used only to finance the purchase of technological enhancements and maintenance of technological resources for the municipal court of the city. More specifically, these items shall include those as provided for in the Texas Code of Criminal Procedure, article 102.0172.
- (h) The fund shall be administered by or under the direction of the city council. (

5.3 Building security fund

- (a) There is hereby created and established a municipal court security fund to be used for the purpose of providing security services for buildings housing the municipal court. More specifically, these items shall include those as provided for in the Texas Code of Criminal Procedure, article 102.017.
- (b) A defendant convicted for a misdemeanor offense in the municipal court shall pay a \$3.00 security as an additional court cost. A person shall be considered to be convicted if:
 - (1) A sentence is imposed on such person;
 - (2) The person receives community supervision, including deferred disposition or adjudication; or
 - (3) The court defers final disposition of the person's case.

(c) The clerk of the municipal court shall collect the costs and pay such costs to the municipal treasurer or other official discharging the duties commonly delegated to the municipal treasurer, for deposit in a fund to be known as the "municipal court building security fund."

6. EFFECTIVE DATE

This Ordinance shall be and become effective immediately upon and after its passage and publication as may be required by governing law.

7. REPEALER

All ordinances or parts of ordinances in force when the provisions of this Ordinance becomes effective which are inconsistent or in conflict with the terms and provisions contained in this Ordinance are hereby repealed only to the extent of such conflict.

8. SEVERABILITY

Should any part, sentence or phrase of this Ordinance be determined to be unlawful, void or unenforceable, the validity of the remaining portions of this Ordinance shall not be adversely affected. No portion of this Ordinance shall fail or become inoperative by reason of the invalidity of any other part. All provisions of this Ordinance are declared to be severable.

9. PROPER NOTICE AND MEETING

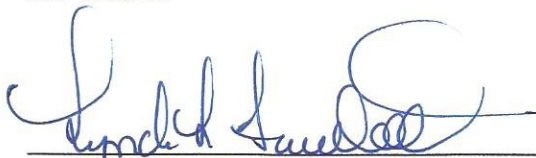
It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the Texas Government Code.

PASSED AND ADOPTED, EFFECTIVE THE 21st day of September, 2011.

CITY OF PATTISON, TEXAS


Bill Mathews, Mayor

ATTEST:


Lynda L. Fairchild, City Secretary